



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,664	12/08/2000	N. Stephan Kinsella	A010	4630

27543 7590 04/22/2004

APPLIED OPTOELECTRONICS, INC.  
13111 JESS PIRTLE BLVD.  
SUGAR LAND, TX 77478

EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 04/22/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

4

## Office Action Summary

Application No.

09/733,664

Applicant(s)

KINSELLA, N. STEPHAN

Examiner

Andrew L Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                        |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. Claims 1-20 are pending.
2. The IDS submitted 12/8/2000 has been received and considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilfong US Patent No 5,940,511. Wilfong discloses a method for secure PIN entry.
5. With regards to claims 1, 9, 17 and 20, Wilfong teaches the generating of a scramble key (Wilfong, column 4 lines 56-60), providing the scramble key to the user and prompting the user to generate an input code by modifying the user code in accordance with the scramble key (Wilfong, column 4 lines 60-62), and receiving the input code from the user (Wilfong, column 4 lines 63-64).
6. With regards to claims 2, 10 and 18, Wilfong teaches the determining of whether the user used the user code to generate the input code (Wilfong, column 5 lines 24-30) and if so permitting access by the user of an account associated with the user (Wilfong, column 5 lines 30-38).

Art Unit: 2134

7. With regards to claims 3, 11 and 19, Wilfong teaches the determining step comprised of comparing the input code received to the expected input code where the expected input code is a scrambled input code produced by modifying the user code in accordance with the scramble key (Wilfong, column 5 lines 24-30) and permitting access by the user of the account associated with the user only if the input code matches the expected input code (Wilfong, column 5 lines 30-38).
8. With regards to claims 4 and 12, Wilfong teaches the data entry terminal being a public telephone (Wilfong, column 1 lines 23-25).
9. With regards to claims 5 and 13, Wilfong teaches the scramble key being a random scramble key generated in response to activation by the user (Wilfong, column 4 lines 4-10, column 4 lines 33-63) where activation by the user comprises the user placing a charge telephone call (Wilfong, column 3 lines 49-51), determining whether the user used the user code to generate the input code (Wilfong, column 5 lines 30-38), and placing the telephone call and charging the telephone call to an account associated with the user code only if the user is determined to have used the user code to generate the input code (Wilfong, column 5 lines 30-38, column 5 line 39 – column 6 line 21).
10. With regards to claims 6 and 14, Wilfong teaches the accessing of the user code from the database (Wilfong, column 4 lines 50-53), and generating a random difference value for at least one digit of the user code wherein the difference value is positive and the sum is not greater than 9 or the difference value is negative and the sum is greater than zero (Wilfong, column 4 lines 59-63, column 5 lines 1-23).

Art Unit: 2134

11. With regards to claims 7 and 15, Wilfong teaches the user code being a PIN code (Wilfong, column 2 lines 22-28).

12. With regards to claims 8 and 16, Wilfong teaches that for at least one digit of the user code, prompting the user to add or subtract the difference value of the scramble key from each of the at least one digits in accordance with whether the difference value is positive or negative (Wilfong, column 4 lines 59-67, column 5 lines 1-23).

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/733,664

Page 5

Art Unit: 2134

Andrew Nalven

*AN*

*Matthew D. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*